



City of Granite City

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Ron Selph
Mayor

November 20, 1996

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Mr. Sean Mulrone
U.S. Environmental Prot. Agency
Region V
77 West Jackson Blvd.
Chicago, IL 60604-3950

Mr. Jack Grady
U. S. Dept. of Justice
Environmental Enf. Sec
P. O. Box 7611
Ben Franklin Station
Washington, D.C. 20044

Brian E. Konzen
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Re: U.S. vs. NL Industries et al & City of Granite City
No. 91 CV-00578-JLP

Dear Gentlemen:

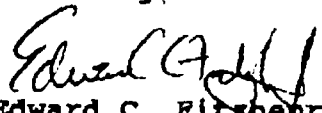
D. Scott Griffith
Assistant City Attorney
1522 Pontoon Rd.
Granite City, IL 62040
(618) 451-9383

I was dismayed to learn that in spite of the City of Granite City's position that the U.S. EPA had no right to come on to City property (City right-of-way) to remediate soil, absent the City's permission or court order, that the U.S. EPA's contractor has, in fact, committed a trespass on property adjacent to 1733 Delmar Avenue. This action is especially egregious in light of our ongoing discussions, even as recent as yesterday, where the U.S. EPA agreed it would provide the City with a list of addresses, and from that list the City would investigate and affirm that it does own the right-of-way with regard the property adjacent to those addresses. I had told you, based on the City Engineer's review, the City owns the right-of-way.

Perhaps this is a situation where the City does not own the right-of-way, and if that is the case, I request immediate proof of same, or there was simply a lack of communication between you and the contractor at the site. In either event, I once more reiterate the City's position that the U.S. EPA, its contractors, agents and employees, are to refrain from any remediation activity with regard to any City right-of-way, anywhere in the City. Again, the City is more than willing to examine the title issue as we discussed yesterday, but we will not forego our legal remedies in the interim. If necessary, the City will take immediate legal action and have trespassers forcibly removed from its property. Certainly, we wish to avoid this action if possible.



Sincerely,


Edward C. Fitzhenry

ECF/alb

cc: Mayor Ronald Selph
Alderman Craig Tarpoff

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